

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

KELLY JAMES CLARK, JR.,

Plaintiff,

v.

Case No. 3:20-cv-17-TTC

KEVIN CARL, *et al.*,

Defendants.

DEFENDANTS KEVIN CARL AND COLBY MILLER'S
FIRST AMENDED WITNESS LIST

Defendants Kevin Carl (“Deputy Carl”) and Colby Miller (“Deputy Miller”) (collectively, “Defendants”), by counsel, and pursuant to the Court’s Trial Order (ECF No. 147) and the Court’s Order dated August 5, 2024 (ECF No. 163), identifies their witnesses as follows:

Defendants plan to call the following witnesses:

1. Glenn Tommy Payne
c/o William W. Tunner, Esq.
ThompsonMcMullan, P.C.
100 Shockoe Slip, 3rd Floor
Richmond, Virginia 23219
(804) 698-6205

Payne is the officer who shot Clark after Clark attempted to take his gun. The episode is recorded on body cam video and audio. Payne has knowledge of all events surrounding the shooting.

2. Kevin Carl
c/o William W. Tunner, Esq.
ThompsonMcMullan, P.C.
100 Shockoe Slip, 3rd Floor
Richmond, Virginia 23219
(804) 698-6205

Carl was on duty as an officer assigned to guard Clark in his hospital room on December 30. He has knowledge of all of his interactions with Clark, the force that was used and when it

was employed. He will deny the plaintiff's story of being taken into an empty room at the hospital and assaulting plaintiff.

3. Colby Lee Miller
c/o William W. Tunner, Esq.
ThompsonMcMullan, P.C.
100 Shockoe Slip, 3rd Floor
Richmond, Virginia 23219
(804) 698-6205

Miller was on duty as an officer assigned to guard Clark in his hospital room on December 30. He has knowledge of all of his interactions with Clark, the force that was used and when it was employed. He will deny the plaintiff's story of being taken into an empty room at the hospital and assaulting plaintiff.

4. Brian Bachert
Custodian of Records
Central Virginia Regional Jail
13021 James Madison Highway
Orange, Virginia 22960
(540) 672- 3222

Bachert is a major with the Central Virginia Regional Jail and may serve as the custodian of records for admission of security logs for Clark's period of hospitalization.

5. Kelly James Clark Jr.
c/o Joshua Erlich, Esq. (VSB No. 81298)
Katherine Herrmann, Esq. (VSB No. 83203)
The Erlich Law Office, PLLC
1550 Wilson Blvd., Suite 700
Arlington, VA 22209
(703) 791-9087

Defendants may call the following witnesses, should the need arise:

1. Kohl Kershisnik, PT
20 Langford Place,
Charlottesville, Virginia 22903-9318
(434) 205-4234

Kershisnik is a physical therapist who saw Clark on December 30, 2020, at the UVA hospital and who has knowledge of the events that transpired in Clark's hospital room on December 30. It is expected that he will deny that Clark was attacked by security as alleged or that he was ever so informed by Clark or anyone else at the hospital. He will testify in accordance with his records of providing physical therapy to Clark.

2. Rebecca Rouse, LCSW
University of Virginia Health System
1300 Jefferson Park Avenue
Charlottesville, Virginia 22903

Rouse is a LCSW who saw Clark on December 30, 2020, at the UVA hospital and who has knowledge of the events that transpired in Clark's hospital room on December 30. It is expected that she will deny that Clark was attacked by security as alleged or that she was ever so informed by Clark or anyone else at the hospital of this alleged assault. She will testify in accordance with her records of providing counselling and /or therapy to Clark.

3. Gabriele Ford, NP
University of Virginia Health System
1215 Lee St.
Charlottesville, Virginia 22903
(434) 982-3549

Ford is a nurse practitioner who saw Clark in December 30, at the UVA hospital and who has knowledge of the events that transpired in Clark's hospital room on December 30. It is expected that she will deny that Clark was attacked by security as alleged or that she was ever so informed by Clark or anyone else at the hospital of this alleged assault. She will testify in accordance with her records of providing nursing to Clark.

4. Kristy Wood-Squires, RN
University of Virginia Health System
1215 Lee Street
Charlottesville, Virginia 22903
(434) 924-9745

Wood-Squires is a nurse who saw Clark in December 30, at the UVA hospital and who has knowledge of the events that transpired in Clark's hospital room on December 30. It is expected that she will deny that Clark was attacked by security as alleged or that she was ever so informed by Clark or anyone else at the hospital of this alleged assault. She will testify in accordance with her records of providing nursing to Clark.

5. Scottie Frey
Director of Health Information Management, University of Virginia Health System
Custodian of Records for University of Virginia Hospital
1300 Jefferson Park Avenue
Charlottesville, Virginia 22903
(434) 924-0000

Frey is the Director of Health Information Management with the University of Virginia Health System and may serve as the custodian of records for admission of medical records.

Defendants reserve the right to call witnesses listed by the plaintiff, not objected to by Defendants.

Respectfully submitted,

KEVIN CARL and
COLBY MILLER

By Counsel

/s/ Rachel W. Adams

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*Counsel for Defendants Kevin Carl
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of August 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following counsel of record:

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